

.....
(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Secure Fence Act of 2006 to authorize certain States to erect temporary protective fencing within 25 miles of the southwest border to deter unlawful immigration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GAETZ introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Secure Fence Act of 2006 to authorize certain States to erect temporary protective fencing within 25 miles of the southwest border to deter unlawful immigration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Border Security
5 Act”.

1 **SEC. 2. REMOVAL OF PROTECTIVE FENCING.**

2 Section 2 of the Secure Fence Act of 2006 (Public
3 Law 109–367; 8 U.S.C. 1701 note) is amended—

4 (1) by redesignating subsections (b) and (c) as
5 subsections (c) and (d), respectively;

6 (2) by inserting after subsection (a) the fol-
7 lowing new subsection:

8 “(b) PROHIBITION AGAINST REMOVING PROTECTIVE
9 FENCING.—

10 “(1) IN GENERAL.—Subject to paragraph (2)
11 and notwithstanding any other provision of law, no
12 employee or agent of the Federal Government may
13 execute or enforce any provision of the Immigration
14 and Nationality Act by dismantling, removing, de-
15 stroying, or tampering with concertina wire, razor
16 wire, barbed wire, or other protective fencing erected
17 by a State government within 25 miles of the inter-
18 national border between the United States and Mex-
19 ico.

20 “(2) EXCEPTION.—The prohibition described in
21 paragraph (1) shall not apply in situations with re-
22 spect to which the Federal Government dem-
23 onstrates, by clear and convincing evidence, that the
24 fencing referred to in such paragraph was erected by
25 a State government with the intention of facilitating

1 unlawful immigration rather than deterring unlawful
2 immigration.

3 “(3) INJUNCTIVE RELIEF.—The Attorney Gen-
4 eral may seek injunctive relief in an appropriate
5 Federal district court to order any State that has
6 erected protective fencing intended to facilitate un-
7 lawful immigration to remove such fencing by meet-
8 ing the evidentiary standard described in paragraph
9 (2).”; and

10 (3) in subsection (c), as so redesignated—

11 (A) by striking the heading and inserting
12 “DEFINITIONS”;

13 (B) by striking “In this section, the term
14 ‘operational control’ means” and inserting the
15 following: “In this section:

16 “(1) OPERATIONAL CONTROL.—The term ‘oper-
17 ational control’ means”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(2) PROTECTIVE FENCING.—The term ‘protec-
21 tive fencing’ means fencing that is reasonably cal-
22 culated to deter unlawful border crossings by aliens
23 outside a port of entry.”.